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Final Fiscal Note

Drafting Number: LLS 21-0214 Date: September 9, 2021  
Prime Sponsors: Rep. Ransom Bill Status: Signed into Law  
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Bill Topic: PRESERVING FAMILY RELATIONSHIPS IN CHILD PLACEMENT

- Summary of Fiscal Impact:
- State Revenue
  - State Expenditure
  - State Transfer
  - TABOR Refund
  - Local Government
  - Statutory Public Entity

The bill modifies state law concerning parent-child visitation in the child welfare system and allows adoptive parents and birth parents to enter into post-adoption contracts. The bill may increase state revenue and will increase state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires and includes an appropriation of \$21,352 to the Department of Human Services.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1  
State Fiscal Impacts Under HB 21-1101

	Budget Year FY 2021-22	Out Year FY 2022-23
Revenue	-	-
Expenditures		
General Fund	\$13,879	-
Federal Funds	\$7,473	-
<b>Total Expenditures</b>	<b>\$21,352</b>	-
Transfers	-	-
TABOR Refund	-	-

## **Summary of Legislation**

The bill requires courts to allow parents visitation during a dependency and neglect case and establishes open adoption agreements, as described below.

**Visitation rights.** The bill requires the court to enter temporary orders for reasonable visitation with a child's parents within 72 hours after a temporary custody meeting. The court may grant an extension of time for contact to commence if the delay is agreed by all parties and the court finds that a delay is in the child's best interest. Before visitations can be reduced or suspended, or the level of supervision increased, the parent has a right to a hearing in front of the court, unless there is an emergency order or there is an agreement between parties to the change. The bill does not restrict the court from granting discretionary authority to a county department or a guardian ad litem (GAL) from increasing parent-child or sibling contacts without further court order.

**Open adoption agreements.** The bill allows adoptive parents to enter into a post-adoption contract agreement with a child's birth parent, relative, or tribe. A contract may include provisions for contact, visitation, or the exchange of information, and is enforceable by the court. If a child is 12 years old or older, a court cannot order a post-adoption contact unless the child consents to the agreement. If a GAL has already been appointed for the child in a dependency and neglect case, the court shall also appoint a GAL for the child during consideration of a post-adoption contact agreement. The court may enforce a post-adoption agreement. Before a filing a motion asking the court to enforce an agreement, the petitioning party must show the party attempted in good faith to resolve the disputed matter through mediation or other method.

**Task Force on High-Quality Parenting Time.** The bill creates the Task Force on High-Quality Parenting Time. The task force must not exceed 25 members. It is led by a steering committee composed of representatives from the Office of Respondent Parents' Counsel; the Division of Child Welfare in the DHS; the Office of the Child's Representative; the Child Protection Ombudsman's Office; and a statewide association of human and social services directors. Members serve without compensation or reimbursement and must meet at least monthly through September 2022. The steering committee must select a facilitator to be funded through gifts, grants, donations, or federally allocated funds that may be used for the purposes. The task force must study a number of issues and make other recommendations as outlined in the bill. By October 1, 2022, the task force must submit a written report to a number of stakeholders, including the Governor and the General Assembly, on the task force's findings. The task force is repealed on July 1, 2023.

## **Assumptions**

The fiscal note makes the following assumptions:

- that 20 percent (or 462 cases) of temporary custody hearings will require an additional 30 minutes, on average, to litigate matters relating to reduction or restrictions of parental visitations in dependency and neglect cases; and
- that 35 percent of adoption cases (827 cases) will enter into a post-adoption agreement and that 25 percent of those agreements (207 cases) will require a hearing averaging 2 hours on the enforcement of the agreement.

## State Revenue

To the extent that the court charges parties for the appointment of a GAL or a private attorney for a child, revenue to the Judicial Department will increase. Because it is up to the discretion of the court when to appoint an attorney and when to charge a fee, this increase in revenue cannot be estimated. Revenue to the Judicial Department is subject to the state's TABOR revenue limit.

In addition, revenue may increase to the extent the Task Force on High-Quality Parenting Time receives gifts, grants, and donations. The fiscal note has not identified any source for gifts, grants, or donations. Gifts, grants, and donations are not subject to the state's TABOR limit.

## State Expenditures

The bill will increase state expenditures by \$21,352 in FY 2021-22, as shown in Table 2 and discussed below.

**Table 2**  
**Expenditures Under HB 1101**

<b>Cost Components</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
<b>Department of Human Services</b>		
TRAILS Modification	\$21,352	-
<b>Total</b>	<b>\$21,352</b>	-
<i>General Funds</i>	<i>\$13,879</i>	-
<i>Federal Funds</i>	<i>\$7,473</i>	-

**Department of Human Services.** In FY 2021-22 only, the bill will increase expenditures in the Department of Human Services by \$21,352, which reflects 136 hours of work at \$157 per hour, to update the child welfare information system (TRAILS) to document open adoption agreements. Costs are paid 65 percent from the General Fund (\$13,879) and 35 percent from federal funds (\$7,473).

**Judicial Department.** Based on amount of additional hearing time outlined in the Assumptions section, this bill requires 0.3 FTE judicial officer. The fiscal note assumes that the increase in workload can be absorbed within existing resources. If the bill results in more cases or longer hearings than assumed, additional resources will be requested through the annual budget process.

**Office of the Child's Representative.** Expenditures in the Office of the Child's Representative will increase if courts appoint more GALs during adoption agreement preceding. In addition, to the extent the bill decreases the amount of time spent on child welfare cases, expenditures will decrease. Because it is unknown if a court will make additional GAL appointments, the fiscal note assumes any increase in expenditures will be handled through the annual budget process.

**Office of the Respondent Parents' Counsel.** Expenditures in the Office of the Respondent Parents' Counsel will increase to hire a facilitator for the task force. The fiscal note assumes a facilitator will cost \$30,000 per year and that the cost will be covered by existing federal funds within the office. If the task force receives gifts, grants, and donations, the amount of federal funds needed for the facilitator will decrease. In addition, to the extent adoption agreements result in dependency and neglect cases being resolved faster, expenditures in the Office of the Respondent Parents' Counsel will decrease. The fiscal note assumes that any reduction in appropriations due to a decrease of case time will be addressed through the annual budget process.

**Agencies involved with the task force.** The Office of Respondent Parents' Counsel, the Division of Child Welfare in the DHS, the Office of the Child's Representative, and the Child Protection Ombudsman's Office will have an increase in workload to participate on the task force. No change in appropriation is required for this work.

**TABOR refunds.** The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by a minimal amount. TABOR refunds are paid from the General Fund. This estimate is based on the June 2021 LCS revenue forecast, which incorporates the revenue impacts of bills passed during the 2021 session. A forecast of state revenue subject to TABOR is not available beyond FY 2022-23.

**Federal ARPA funds.** This bill increases state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

## Effective Date

This bill was signed into law by the Governor on July 7, 2021, and it took effect September 1, 2021.

## State Appropriations

For FY 2021-22, the bill requires and includes an appropriation of \$21,352 to the Department of Human Services, including \$13,879 from the General Fund and \$7,473 from federal funds.

## State and Local Government Contacts

Counties

Human Services

Information Technology

Judicial